



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

February 2004

Nixon Peabody, LLP
401 9th Street, NW
Suite 900
Washington, DC 20004-2128

In re Application of:
Hirokazu Yamagata et al.
Serial No.: 10/073,284
Filed: February 13, 2002
Attorney Docket No.: 740756-2435

DECISION *SUA SPONTE*
WITHDRAWING THE HOLDING
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on February 10, 2003. On November 20, 2003, a Notice of Abandonment was mailed which held the application abandoned for failure to timely file a proper reply to the non-final Office action. However, on June 12, 2003, a response (an amendment) and a petition and fee for a one month extension of time (EOT) were filed. The response and EOT each included a Certificate of Mailing dated June 10, 2003. Thus, the response was timely filed under the provisions of 37 C.F.R. §§ 1.7(a); 1.8(a) and 1.136(a). Notwithstanding the timely response, on August 20, 2003, a letter from the examiner was mailed which restarted the period for reply set in the action of February 10, 2003 to run 3 months from the August 20, 2003 mail date of the letter.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn and the application restored to pending status in view of the timely response.

The response of June 12, 2003 will be processed by the Technical Support Staff of Technology Center 2800 and the examiner will be notified to resume prosecution.

Edward Westin

Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and
Optical Systems, and Components